

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	Master File No. 01-12257-PBS
LITIGATION)	
)	(Original Central District of California
)	No. 03-CV-2238)
)	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, Inc., <i>et al.</i>)	
CASE #: 1:03-cv-11226-PBS)	
)	

**MOTION FOR ENTRY OF JOINT STIPULATION TO STAY THE DEADLINE
FOR DEFENDANT ABBOTT LABORATORIES INC. TO RESPOND
TO THE FIRST AMENDED COMPLAINT IN INTERVENTION**

Defendant Abbott Laboratories Inc., (“Abbott”) and Plaintiff State of California (“Plaintiff”), through their undersigned counsel, hereby move for the entry of a Joint Stipulation to stay the deadline for Abbott to respond to the First Amended Complaint In Intervention (“First Amended Complaint”). In support of such Stipulation, Abbott and Plaintiff state as follows:

1. Abbott was a named defendant in the original Complaint In Intervention (the “Original Complaint”) in the above captioned case, which was filed in California state court on January 7, 2003. Abbott removed the case to federal court and it was subsequently transferred to this Court.
2. On August 25, 2005, Plaintiff filed the First Amended Complaint, which added approximately 36 new defendants. Abbott’s co-defendants in the Original Complaint were not named in the First Amended Complaint. Thus, Abbott is the only defendant named in the First Amended Complaint that was also named in the Original Complaint.
3. Plaintiff is in the process of serving the new defendants.

4. To promote judicial economy, the undersigned parties believe it is beneficial to have one response deadline for Plaintiff's First Amended Complaint, rather than multiple response deadlines. Therefore, Plaintiff and Abbott stipulate and agree, that the deadline for Abbott to respond to the First Amended Complaint is stayed until such time as prescribed by a mutually agreeable briefing schedule to be negotiated by the parties in this case and approved by the Court, or if that is not possible, by a mutually agreeable briefing schedule to be negotiated by Plaintiff and Abbott and approved by the Court.

WHEREFORE, the undersigned parties respectfully request that the Court enter an Order staying the deadline for Abbott to respond to Plaintiff's First Amended Complaint until such time as prescribed by a mutually agreeable briefing schedule to be negotiated by the parties in this case and approved by the Court, or if that is not possible, by a mutually agreeable briefing schedule to be negotiated by Plaintiff and Abbott and approved by the Court.

Dated: October 5, 2005



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